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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/649,242 | 08/27/2003 | David R. Sander | 29939/03015 | 6017 |
| 7590 | 04/07/2006 | | EXAMINER | |
| James P. Zeller MARSHALL, GERSTEIN & BORUN LLP Sears Tower, Suite 6300 233 S. Wacker Drive Chicago, IL 60606-6357 | | | LHYMN, EUGENE | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3727 | |
| DATE MAILED: 04/07/2006 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/649,242 | SANDER ET AL. | |
| | Examiner | Art Unit | |
| | Eugene Lhymn | 3727 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 January 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9, 13, 14, 16 and 18-21 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-9, 13, 14, 16 and 18-21 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 9, 13, 14, 16, 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Forno et al. (US 5851484). With respect to claim 1, Forno et al. discloses the following:

- A bottom wall 36
- A contiguous sidewall 38
- Top portion of the sidewall forming a peripheral lip 42
- A portion of the peripheral lip transitioning into a handle having a grip and knuckle guard spaced outward from the first grip in a direction away from the interior of the basket (See figure 1 below)

With respect to claim 2, Forno et al. discloses the sidewall including a first, second, third, and fourth sidewall (Fig. 1 below).

With respect to claim 3, Forno et al. discloses the contiguous sidewall being rectangular, the first and second sidewalls being longer than the third and fourth sidewalls (Fig. 1 below).

With respect to claims 4 & 20, Forno et al. discloses a second grip and knuckle guard on a second sidewall, the knuckle guard disposed outward from the second grip. (Fig. 1 below).

With respect to claim 9, Forno et al. discloses the first knuckle guard being disposed on the side of the contiguous sidewall opposite the interior of the basket (Fig. 1 below).

With respect to claims 13 & 16, Forno et al. discloses the first knuckle guard being a bar, wherein the Fig. 1 below clearly shows the knuckle guard to be in the form of a bar.

With respect to claim 14, Forno et al. discloses the following:

- A bottom wall 36
- A contiguous sidewall 38
- A first grip (Fig. 1 below)
- A first knuckle guard (Fig. 1 below) disposed away from the interior of the basket

With respect to claim 18, Forno et al. discloses the limitations of claim 14 above, in addition to the top of the sidewalls having a rim disposed thereon (Fig. 1 below).

With respect to claim 19, Forno et al. discloses the rim including a lip extending outward from the sidewalls and an edge extending down from the lip (Fig. 1 below).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-7, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forno et al. in view of Delouvre et al. (US D425275). With respect to claims 5 & 21, Forno et al. discloses the claimed invention except for the container having a third knuckle and third grip. However, Delouvre et al. teaches a container having multiple grips (Fig. 1) thereby providing increased lifting and carrying means. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add a third grip and knuckle guard to the container of Forno et al. as taught by Delouvre et al. so as to provide increased lifting and carrying means.

With respect to claim 6, Delouvre teaches the contiguous sidewall including a concavely arched sidewall.

With respect to claim 7, Forno et al. discloses the contiguous sidewall including a first, second, and third sidewall.

Allowable Subject Matter

5. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

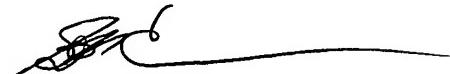
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 for all relevant and referenced prior art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Lhymn whose telephone number is 571-272-8712. The examiner can normally be reached on MTWT 6-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Stephen K. Cronin
Primary Examiner

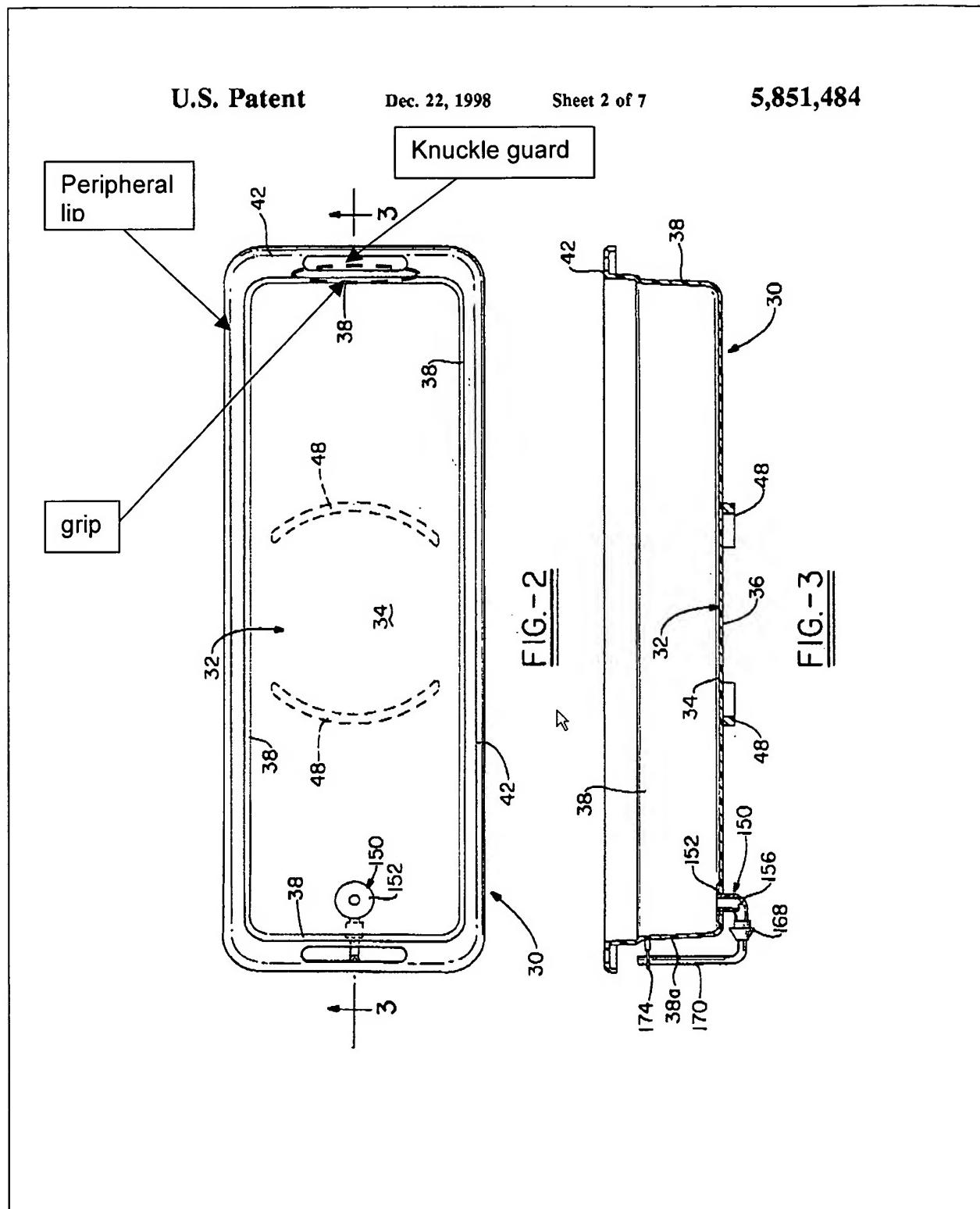


Figure 1